Printed by order of the Honorable the Legislative Council.

R. STANTON Printer to the QUEEN's Most Excellent Majesty.

3rd Session, 13th Provincial Parliament—1st Victoria—1837—8.

MESSAGE,

From His Excellency the Lieutenant Governor, acquainting the Legislative Council of his resignation of the Government of this Province; with an Address of the Legislative Council on the same subject.

F. B. HEAD.

THE LIEUTENANT GOVERNOR informs the Legislative Council, that in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the Officer in command of Her Majesty's land Forces, has assumed the entire military authority and command over the Troops; that he is also in command of the Militia; and that the Commissary General at Quebec has communicated to the Officer in charge of the Commissariat here, that consistently with the rules of the Service, no expenses can be allowed unless sanctioned by the authority of the Military Commander, upon whom the protection of the Province has thus necessarily devolved.

The Lieutenant Governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government, on one or two points of Colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station, which for a short time, he has had the honor to hold in this Province.

His resignation having been graciously accepted, the Lieutenant Governor has to inform the Legislative Council, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur, to be Lieutenant Governor of Upper Canada, and that His Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the Province is at present placed, the Lieutenant Governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an Officer of high character and considerable experience, whose rank in the Army will enable him to combine the Military command with the Civil Government of this Province.

Government House,
15th January, 1838.

To His Excellency SIR FRANCIS BOND HEAD, *Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to Your Excellency for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's service the command of the Troops, and of the Militia employed in defence of this Province, cannot be united in Your Excellency's person with the Administration of the Civil Government.

If Your Excellency were to continue to represent Her Majesty in this Colony, we are persuaded, that under present circumstances, such a separation of the Civil power from the Military Command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualificatins which are requisite to give confidence, animation and effect, to the Military Force, are not always to be found united with them.

We beg to assure Your Excellency that we learn with extreme regret, that the Civil Government of this Province is to continue for so short a time in Your Excellency's charge.—It is not known to us upon what particular points Your Excellency's views have differed so essentially from those of Her Majesty's Government that Your Excellency was induced to

1838
(13)

tender Your resignation; but we know, that at no period in the history of Upper Canada has its political condition been such as ought to be more satisfactory to the Ministers of the Crown: and we feel that not Upper Canada only, but the Empire, owes to Your Excellency a large debt of gratitude, for your firm and manly avowal, upon all occasions, of those sentiments which became the Representative of a British Monarch, and for the unwavering support which Your Excellency has never failed to give to the established principles of the Constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled Your Excellency to rally round the Government, in a moment of danger, the arms of an united People: and to exhibit this Province to our Sovereign, and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of Your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction, that they need not fear to support in Upper Canada the principles of the British Constitution, it will have produced an effect of infinite value to this Colony; and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of Your Excellency, and of your respected and gallant Predecessor, that your connection with the Government of this Colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg Your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with Your Excellency; and that they participate deeply in the feeling of general regret at Your Excellency's approaching departure from this Province.

JOHN B. ROBINSON,
SPEAKER.

Legislative Council Chamber,
Seventeenth day of January, 1838.